

ATTORNEY'S DOCKET NO. 2207/5820

**PATENT****DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR STORING IMMEDIATE DATA**, the specification of which  
 — is attached hereto.

X was filed on December 30, 1998 as United States Application Number 09/223,299 or PCT International Application Number  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a), a copy of which is attached.

**PRIOR FOREIGN APPLICATION(S)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

APPLICATION NUMBER	COUNTRY	FILING DATE (day, month, year)	PRIORITY CLAIMED Yes No

**PRIOR UNITED STATES APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION NUMBER	FILING DATE (day, month, year)	STATUS (i.e. Patented, Pending, Abandoned)

**POWER OF ATTORNEY:** I hereby appoint: Paul H. Heller (Reg. No. 21,074); John C. Altmiller (Reg. No. 25,951); Felix L. D'Arienzo, Jr. (Reg. No. 27,631); Shawn W. O'Dowd (Reg. No. 34,687); Michelle M. Carniaux (Reg. No. 36,098) of KENYON & KENYON with offices located at 1500 K Street, N.W., Suite 700, Washington, D.C. 20005, telephone (202) 220-4200, and James E. Jacobson, Jr. (Reg. No. 31,626); Thomas C. Reynolds (Reg. No. 32,488); Raymond J. Werner (Reg. No. 34,752); Richard C. Calderwood (Reg. No. 35,468); Joseph R. Bond (Reg. No. 36,458); Naomi Obinata (Reg. No. 39,320) of INTEL CORPORATION my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

John C. Altmiller  
 KENYON & KENYON  
 1500 K Street, N.W., Suite 700  
 Washington, D.C. 20005  
 (202) 220-4200 (phone)  
 (202) 220-4201 (facsimile)

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF FIRST/JOINT INVENTOR	FAMILY NAME KYKER	FIRST GIVEN NAME Alan	SECOND GIVEN NAME B.
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 16014 NW Cornelius Pass Road	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97231
Signature		Date	

FULL NAME OF SECOND/JOINT INVENTOR	FAMILY NAME HAMMARLUND	FIRST GIVEN NAME Per	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Hillsboro	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP Sweden
POST OFFICE ADDRESS	POST OFFICE ADDRESS 2601 NE 2nd Drive	CITY Hillsboro	STATE & ZIP CODE/COUNTRY OR 97124
Signature		Date	

FULL NAME OF THIRD/JOINT INVENTOR	FAMILY NAME LEE	FIRST GIVEN NAME Chan	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP South Korea
POST OFFICE ADDRESS	POST OFFICE ADDRESS 0320 SW Montgomery Street - #219	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97201
Signature		Date	

FULL NAME OF FOURTH/JOINT INVENTOR	FAMILY NAME KRICK	FIRST GIVEN NAME Robert	SECOND GIVEN NAME F.
RESIDENCE & CITIZENSHIP	CITY Fort Collins	STATE OR FOREIGN COUNTRY Colorado	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 3003 Waterstone Court	CITY Fort Collins	STATE & ZIP CODE/COUNTRY CO 80525
Signature <i>Robert F. Krick</i>		Date 4/6/99	

FULL NAME OF FIFTH/JOINT INVENTOR	FAMILY NAME AHUJA	FIRST GIVEN NAME Hitesh	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP India
POST OFFICE ADDRESS	POST OFFICE ADDRESS 14684 NW Dawnwood Drive	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97229
Signature <i>Hitesh Ahuja</i>		Date <i>5/10/99</i>	

FULL NAME OF SIXTH/JOINT INVENTOR	FAMILY NAME ALEXANDER	FIRST GIVEN NAME William	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Hillsboro	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 14806 SW Elsinore Lane	CITY Hillsboro	STATE & ZIP CODE/COUNTRY OR 97123
Signature		Date	

FULL NAME OF SEVENTH/JOINT INVENTOR	FAMILY NAME ROHLMAN	FIRST GIVEN NAME Joseph	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 5188 NW Millstone Way	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97229
Signature <i>Joseph F. Rohman</i>		Date <i>5/10/99</i>	

FULL NAME OF FIFTH/JOINT INVENTOR	FAMILY NAME AHUJA	FIRST GIVEN NAME Hitesh	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP India
POST OFFICE ADDRESS	POST OFFICE ADDRESS 14684 NW Dawnwood Drive	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97229
Signature		Date	

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RESIDENCE & CITIZENSHIP	CITY Hillsboro	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 14806 SW Elsinore Lane	CITY Hillsboro	STATE & ZIP CODE/COUNTRY OR 97123
Signature <i>W. C. Alexander</i>		Date 4/5/99	

FULL NAME OF SEVENTH/JOINT INVENTOR	FAMILY NAME ROHLMAN	FIRST GIVEN NAME Joseph	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Portland	STATE OR FOREIGN COUNTRY Oregon	COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS	POST OFFICE ADDRESS 5188 NW Millstone Way	CITY Portland	STATE & ZIP CODE/COUNTRY OR 97229
Signature		Date	

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- © Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.